Supreme Court, U.S.
FILED

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IN THE

Supreme Court of the United States

ALICE MORRISON, JOSEPH MORRISON,
Petitioners,
v.

UNITED STATES OF AMERICA
Respondents,

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Alice Morrison
Joseph Morrison
In Pro Per
2208 Columbine
Harsens Island, 48028
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QUESTIONS PRESENTED

1). What jurisdiction is the Army Corps of Engineers acting under in the name of the United States to enforce a United States Public Act onto the unincorporated private estate of Jacob Harsen?

2). Upon the Plaintiffs failing to prove jurisdiction to the Defendants, did the District Court have the authority to use FRCP 60 (b) (6) to remove the previous disqualified judge's order for the $25, 000.00 fine sua sponte?

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TABLE OF CONTENTS

Page

Questions Presented.....i

List of Parties.....ii

Table of Contents.....iii

Table of Authorities.....iv

References.....vi

Table of Appendices.....vii

Opinions Below.....1

Statement of Jurisdiction.....1

Introduction..... 3

Statement of the Case..... 3

Reasons for Granting the Petition.....6

Conclusion.....7

TABLE OF CITED AUTHORITIES

Page

Dowell v. United States
211 U.S. 325 (1911)547.....7

Fort Knox Music Inc v. Baptiste ,
257 F2d 108, 111 (2d Cir 2001).....6

Hawaii v. Mankichi
190 US. 197 (1903): 546.....7

Little v. William
231 U.S. 335 1913 Number 8.....4

Migra v. Warren City School Dist. BD of Educ.
465 US.75, 81 ('84).....2

Roberts v. Thomas
135 Ky. 63, 121 S. W. 961 (1909).....2

Solid Waste Management of Northern Cook County
v. Army Corp of Engineers
United States Supreme Court 99-1178.....4

Cited Authorites

Page

United States v. Chris Beggerly et. al;
524 U.S. 38 (1998).....4

United States v. Jacob
298 F 2d 469, 472 (4thCir) 1961.....6

Statutes, Regulations, Court Rules, Treaties

15 U.S.C. 1 and2.....2

18 U.S.C. 242.....7

28 U.S.C Sec 1738.....1

42 U.S.C. Sec 1981, sec 1983.....7

Fed R. Civ P 60 (b) (6).....6

House Joint Res. 1514 Sec 3,4,5,.....44a

House Joint Res. 3103 Sec 1,2,3,.....45a

Human Rights 1948 Art. 7.....43a

Jay's Treaty..... 22a

Statutes, Regulations, Court Rules, Treaties

Page

Northwest Ordinance..... 31a

Treaty of Paris.....24a

Treaty of Greenville.....27a

REFERENCES

American Banana Co. v. United Fruit Co,
231 U.S. 347, 29 Sup. Ct. 511, 116 Ann Case 1047

Fletcher V. Peck 6 Cranch 136

Louisana v. Mississippi
10 395 Sp.m. Rep Certiorari U.S. 1992 Special Masters Report No 121 Org

Summa Corp v. California Ex Rel Lands Comm'n
466 U.S. 198 (1984)

United States v. State of Wyoming
331 U.S. 440 (1947) 331 U.S. 440

Article 1 Sec 10 U.S. Const

Article 4 Sec 2 U.S. Const

TABLE OF APPENDICES

Page

Appendix A—Order and Opinion of
The Six Circuit Court of Appeals
Remanding for reimposition of the $25,000
fine filed Feb 24, 2003.....1a

Appendix B—Order Assessing a civil penalty as
defendants Alice Pauley Morrison and Joseph
Morrison, only – Dated March 30, 2001.....13a

Appendix C—Judgment for Plaintiff
Dated March 30, 2001 for $ 25,000.00
From the United States District Court.....15a

Appendix D –Order of the United States
District Court for Vacating $25,000
Fine filed June 07, 2001.....17a

Appendix E –Order of the United States District
Court Reinstating $ 25,000 fine filed March
17, 2003..... 20a

Appendix F-Jay's Treaty-Article II Para 2-
Identifies the International border
Between the United States and Canada.....22a

Appendix G-Treaty of Paris 1783-Article 2-
Identifies the International boundaries

Table of Appendices

Page

between the United States and Canada.....24a

Appendix H-Treaty of Greenville-Identifies lands Cessions in the United States 1784 1894.....27a

Appendix I- Northwest Ordinance Article 5, Article 6- July 13, 1787-Identifies the boundary lines between the United States and Canada.....31a

Appendix J – Human Rights 1948 – Article 7 All are equal before the law.....43a

Appendix K – House Joint Resolution 1514, Sec 3,4,5, - The Declaration on the granting of Independence of Colonial Peoples (1960).....44a

Appendix L – House Joint Resolution 3103 Sec 1,2,3 – The legal status of Combatants Struggling against alien dominations and Racist regimes in accordance to the Geneva Convention 1949.....45a

Petitioners Alice Morrison and Joseph Morrison, husband and wife, respectfully petition for a writ of certiorari to review the judgment and subject-matter jurisdiction of the United States Court of Appeals for the Sixth Circuit.

OPINION BELOW

The opinion of the Sixth Circuit (App 1a) is electronic Citation: 2003 FED APP.0059p . The pertinent opinions Of the District Court (App 1a) are unreported.

STATEMENT OF JURISDICTION

The court of Appeals entered its judgment on February 24, 2003. 28 U.S.C. Sec 1738-Full Faith and Credit Act. 15 U.S.C. Sherman Acts.

PERTINENT STATUTORY PROVISIONS

28 U.S.C. Sec 1738 : The U.S. Constitution requires each state to treat the laws and judicial decisions of another state as if it were its own. The process of one state court respecting and enforcing the orders of a different state's court is known as "full faith and credit".

FULL FAITH AND CREDIT ACT - 28 U.S.C. s.1738, requires that federal courts 'give a state-court judgment the same preclusive effect as would be given that judgment under the law of the State in which the

judgment was rendered.' Migra v.Warren City School Dist. Bd. of Educ., 465 U.S. 75, 81 ('84).

15 U.S.C. Sherman Act:

The United States is principally responsible for the enforcement of the Sherman Act, 15 U.S.C. 1 and 2. It accordingly has a strong interest in the proper interpretation of those laws. It is also concerned that procedural requirements not improperly impede antitrust litigation. This case implicates substantive interpretation of the antitrust laws but a successful malicious prosecution plaintiff may recover, in addition to general damages, "compensation for any arrest or imprisonment, including damages for discomfort or injury to his health, or loss of time and deprivation of the society." *Id.*, at 887-888 (footnotes omitted). See also *Roberts* v. *Thomas*, 135 Ky. 63, 121 S. W. 961 (1909). Section 1983 provides, "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

INTRODUCTION

The Private Patented Platted Estate of Jacob Harsens is duly recorded in the Department of the Interiors of the United States of America as an Indian reserve. The First Nations Chippewa Indians of Wallaceburg, Canada have not ceded this land to the United States, The State of Michigan, Clay Township of Township Clay, or to the British Crown. The First Nation Chippewa Indians are the Eminent domain claim holders to this land. The Harsens Island St. Clair Flats Association Corporation have not incorporated the Private Estate of Jacob Harsen to the United States, the State of Michigan, or to Clay Township of Township Clay.

STATEMENT OF THE CASE

Prior to March 9, 1999 Alice Pauley nee' Morrison and Joseph Morrison, husband and wife experienced difficulty with their private water line. The water line runs from the rear of their place of business to the rear of their property to a private pond on their property. Upon repairing their water for a continuous supply of water to their establishment on March 9, 1999 the Army Corps of Engineers filed a civil action suit against Alice Pauley nee' Morrison and Joseph Morrison, husband and wife. The civil complaint was not specific in the cause of the complaint or action for the petitioners to defend themselves. The Army Corps of Engineers acting in the

name of the United States has not repudiated to established jurisdiction to enforce a "Public Act" to the property in question nor have they been specific enough for the petitioners to defend their actions in [y] our courts.

The petitioners deny all allegations in connection to a violation of the "Clean Water Act" based on the principle that an eleven mile waterline was constructed in front of the petitioner's property. That the United States upon issuing a patent to the fiat Jacob Harsen heirs, the United States has no jurisdiction or vested interest in the property in question.

As the private estate of Jacob Harsen has never been incorporated to the United States, the Army Corps of Engineers in the name of the United States is not a party of interest to bring suit against the petitioners. In the case, *United States v. Chris Beggerly* et. al. U. S. Supreme Court No 97-731, the United States had no title to the Island therefore the United States is not a party of interest to bring suit. As in *Little v. Williams,* 231 U.S. 335 1913 Number [8]the property in question was never identified through chain of title to be swamplands or wet lands. The Supreme Court ruled in *Solid Waste Management of Northern Cook County v. U.S. Army Corp of Engineers* No 99-1178 that it was never the intent of Congress to regulate isolated wetlands when it enacted the Clean Water Act. Jurisdiction was challenged

numerous times by the petitioner in both District court and the Court of Appeals. However the lower courts absolutely refuse to address the issue. The respondent in this case, never filed a jurisdictional statement to the court of Appeals in their brief. The petitioners addressed this issue to the Court of Appeals. The Court of Appeal would not respond. The petitioner can not get justice in the lower court.

The 25,000 fine was applied as a result of Judge Cleland's decision to reimburse the Army Corp of Engineers expenses in bringing this complaint into the court. Petitioners interpreted this action by the court as being done because of the threats made by the court, on record that the petitioner was "walking on thin ice". The petitioner continued to defender herself as a pro se litigant regardless of the threats of the court. The court called the petitioner "obstreperous" because the petitioner would not agree to any negotiations without first proving jurisdiction. The court then sent one FBI agent and two federal marshals armed, and wearing flack jackets to the home of the petitioner to intimidate the petitioner into submission. The petitioner feels that the $25,000 fine was imposed to make an example out of the petitioner when the petitioner brought in over 100 heirs and assign to the estate of Jacob Harsens in support of the claims on the day of sentencing. Judge Cleland made several bias and prejudice statements to the petitioner throughout the hearings as stated on the transcripts.

In United States v. Chris Beggerly et. al. No 97- 731, the Supreme Court clearly interpreted F.R.C.P. Rule 60 (b) (6) to allow the court to invoke an independent action on its own for the purposes of fraud, newly discovered evidence, misconduct of the adverse party etc. Upon hearing the case de novo, Judge George Woods correctly applied Rule 60 (b) (6) in removing the $25,000 fine because the fine was moot and there was newly discovered evidence that showed the United States had no jurisdiction, was not a party of interest, and that the petitioners had in fact not violated the "Clean Water Act" in any capacity. That such evidence admitted in this case included the installation of a water line directly down the center of valuable wetlands including the property of the petitioners. This action of the Army Corp of Engineers was clearly a waste of the tax payers money and their action is one on confiscation of property without due process and a trespass tort.

REASONS FOR GRANTING THE PETITION

This petition should be granted for two reasons:

I. The Circuit Courts are split on the use of F.R.C.P. 60 (b) (6). U*nited States v. Beggerly et. al. 524 U.S. 38 (1998)Fort Knox Music Inc. v. Baptiste,* 257 F.3D 108, 111 (2d Cir. 2001), *United States v. Jacobs* 298 F. 2d 469, 472 (4th Cir. 1961)

II. Jurisdiction has not been established over the unincorporated private estate of Jacob Harsen. *Hawaii v. Mankichi,* 190 U.S. 197 (1903): 546 *Dowell* v. *United States* 211 U.S. 325 (1911) 547.

CONCLUSION

The petition for a writ of certiorari should be granted based on the fact that a serious legal conflict of laws exists in the above mention case.

Respectfully submitted,

Alice nee' Pauley Morrison
and Joseph Morrison citizens
of the united States by birth pursuant
to the Civil Rights Acts Title 18 U.S.C.
242 Title 42 sec 1981, section 1983 on
behalf of themselves their heirs assigns
and future generations to enjoin the
plaintiffs from depriving persons of
rights, discrimination under the color of
law, or to be discriminated against in the
exercise thereof; to be equally protected
in law, or immunities secured and

protected by the Constitution of the United States, to include their rights under the Geneva Conventions Part I Art 14, The Peace Treaty of Paris 1783, the Treaty of Greenville, and The Jay Treaty.